

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HARGRAVE,

Defendant.

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Civil Action No. 3:05-CV-1638-N

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the District Court's *Order of Reference*, filed October 2, 2007, this case has been referred to this Court for report and recommendation. Before the Court is the *Objection of James Hargrave to Writ of Garnishment*, filed November 4, 2005, alleging that the terms of the garnishment violate an agreement with the government reached in court.

On Friday, May 9, 2008, the Court conducted a hearing on the record concerning the objection. At the hearing, Defendant represented that his objection was referring to the terms of his supervised release, which provided for payment of restitution of at least \$50 per month. No agreement was made with government in open court. Defendant has not shown entitlement to relief on this basis. Accordingly, after consideration of the relevant filings, evidence, oral argument, and applicable law, and for the reasons stated on the record during the hearing, the Court recommends that the objection be **OVERRULED**.

SO RECOMMENDED on this 9th day of May, 2008.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a copy of these findings, conclusions, and recommendation on plaintiff by mailing a copy to him. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must file and serve written objections within ten (10) days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. Failure to file written objections to the proposed findings, conclusions, and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*).


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE